

FILED

Kate M. Fox (Wy. Bar No. 5-2646)
J. Mark Stewart (Wy. Bar No. 6-4121)
DAVIS & CANNON, LLP
Attorneys for Protestants
422 W. 26th St.
P.O. Box 43
Cheyenne, WY 82003

OCT 29 2009
30 JP
Jim Ruby, Executive Secretary
Environmental Quality Council

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING**

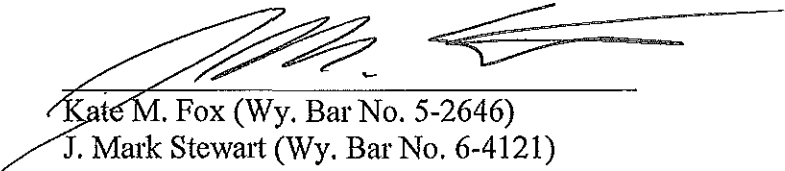
IN THE MATTER OF THE APPEAL OF)
JOHN D. KOLTISKA, AC RANCH, INC.,)
a Wyoming Corporation, PRAIRIE DOG)
RANCH, INC. a Wyoming Statutory Close) Docket No. 09-3805
Corporation, and PRAIRIE DOG WATER)
SUPPLY COMPANY FROM WYPDES)
PERMIT NO. WY0054364)

PETITIONERS' RESPONSE TO PENNACO'S ANNEX OF UNDISPUTED FACTS

Petitioners John D. Koltiska, AC Ranch, Inc., Prairie Dog Ranch, Inc. and Prairie Dog Water Supply Company respectfully submit their response to Pennaco's Annex of Undisputed Facts.

Unless otherwise admitted in Petitioners' Response to Pennaco's Motion to Dismiss and Petitioners' Response to Pennaco's Motion for Summary Judgment and to Strike Expert Testimony, Petitioners dispute Pennaco's "undisputed facts," particularly those listed in paragraphs 9, 11, 12, and 17.

Dated this 30th day of October, 2009.


Kate M. Fox (Wy. Bar No. 5-2646)
J. Mark Stewart (Wy. Bar No. 6-4121)
DAVIS & CANNON, LLP
Attorneys for Protestants

422 W. 26th St.
P.O. Box 43
Cheyenne, WY 82003
Tel: 307-634-3210
Fax: 307-778-7118

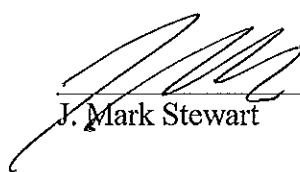
CERTIFICATE OF SERVICE

I certify that on the 30th day of October, 2009, I served a true and correct copy of the foregoing by hand delivery to:

Chairman Environmental Quality Council
122 West 25th Street
Herschler Building, Room 1714
Cheyenne, WY 82002

Mark Ruppert
Trey Overdyke
Holland & Hart, LLP
P.O. Box 1347
Cheyenne, WY 82003 -- 1347
Attorneys for Pennaco Energy, Inc.

Mike Barrash
Luke Esch
Wyoming Attorney General's Office
123 Capitol Building
Cheyenne, WY 82002
Attorneys for WDEQ



J. Mark Stewart